

TOWN OF FOREST HEIGHTS, MARYLAND
TOWN MEETING
VIRTUAL MEETING | TUESDAY, SEPTEMBER 7, 2021 | 7:30PM
AGENDA

Call to Order 7:30PM

Roll Call Council:

1. Acting Mayor, Calvin Washington -- Ward I	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
2. Robert Barnes, Councilman -- Ward I	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
3. Clifton Atkinson, Councilman -- Ward II	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
4. Theresa Brownson, Councilwoman -- Ward II	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
5. Taunya Hines, Councilwoman -- Ward III	<input type="checkbox"/> Present	<input type="checkbox"/> Absent
6. Paula Noble, Councilwoman -- Ward III	<input type="checkbox"/> Present	<input type="checkbox"/> Absent

I. Moment of Silence

II. Pledge of Allegiance to the Flag of the United States of America

III. Approval of Agenda

- a. Minutes from August 18, 2021

IV. Reports

- a. Treasurer
- b. Public Works Director
- c. Code Enforcement
- d. Police Chief
- e. Town Administrator

V. Councilmember/Mayor Report

- a. Ward I
- b. Ward II
- c. Ward III

VI. Legislation to be Voted on tonight:

- a. **RESOLUTION 40-21: FISCAL YEAR 2022 BUDGET AMENDMENT**
- b. **RESOLUTION 41-21: FISCAL YEAR 2021 BUDGET AMENDMENT**
- c. **RESOLUTION 42-21: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS (THE "TOWN") AUTHORIZING NEGOTIATIONS AND THE ISSUANCE OF A NON-BINDING NOTICE OF INTENT TO PURCHASE LAND SUBJECT TO AN APPROVING ORDINANCE OR RESOLUTION TO INITIATE A CONDEMNATION CIVIL ACTION OR TAKING WITH JUST COMPENSATION TO ACQUIRE CERTAIN REAL PROPERTIES NEAR FOREST HEIGHTS ELEMENTARY SCHOOL AND INDIAN HEAD HIGHWAY ALONG TALBERT DRIVE FOR A PUBLIC PURPOSE AND AN APPRAISAL TO DETERMINE FAIR MARKET VALUE**
- d. **ANNEXATION PLAN: FOR THE ANNEXATION OF A CERTAIN TAX-EXEMPT PROPERTY LOCATED GENERALLY EAST OF THE PRESENT CORPORATE LIMITS OF THE TOWN OF FOREST HEIGHTS EXTENDING ALONG, ABUTTING TO, AND INCLUDING IMPROVED REAL PROPERTY KNOWN AS THE FAITH SUBDIVISION LOCATED AT AND FRONTING UPON 5701 LIVINGSTON ROAD (PARCEL EQ. 7.21 ACRES) AS DEPICTED ON TAX MAP 96, GRID A2 (ACCOUNT NO. 12-1233089) INTO THE CORPORATE TERRITORY OF THE TOWN FOREST HEIGHTS**
- e. **ORDINANCE 03-2021: AN ORDINANCE TO INCREASE THE SALARIES OF THE TOWN'S ELECTED OFFICIALS BY AMENDING SECTION 2.2 OF THE TOWN ORDINANCE CODE**

<https://us02web.zoom.us/j/87255417037>

Meeting ID: 87255417037

Dial by your location +1 301 715 8592 US (Washington DC)

Meeting ID: 87255417037

TOWN OF FOREST HEIGHTS, MARYLAND

TOWN MEETING

VIRTUAL MEETING | TUESDAY, SEPTEMBER 7, 2021 | 7:30PM

VII. Legislation to be Discussed Only:

- a. **RESOLUTION 44-21:** A RESOLUTION TO APPROVE A PROPOSAL BY A CONSULTANT TO MANAGE THE TOWN'S ALLOCATIONS OF AMERICAN RESCUE PLAN FUNDS
- b. **RESOLUTION 45-21:** A RESOLUTION TO APPROVE PHASE I OF A PROPOSAL AND CONTRACT FROM FES GROUP, LLC TO PROVIDE STEEP SLOPE STABILIZATION AND REPAIRS, AND MAKE ROADWAY IMPROVEMENTS ALONG OR NEAR CREE DRIVE

VIII. Public Period (limit 2 minutes)

IX. New Business

X. Adjournment

<https://us02web.zoom.us/j/87255417037>

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**Town of Forest Heights
Town Meeting- 8:00 PM
Wednesday, August 18, 2021
Meeting Minutes
Virtual Meeting**

Call to Order: 8:00 PM

Roll Call: CW Noble, CW Hines, CM Barnes, CW Brownson, CM Atkinson, Acting Mayor Washington present; quorum established.

Announcements: Acting Mayor Washington announced that there was a book at the Municipal Building that guests could sign for Mayor Muhammad.

CW Noble shared words of condolences and remembrance for Mayor Habeeb Ullah Muhammad.

CW Brownson shared how she got to know Mayor Muhammad, and how she will miss her.

CM Barnes offered words of condolences to the family.

Acting Mayor Washington announced the passing of Mayor Muhammad on August 15, 2021. He shared some words on the Mayor's legacy, as well as their pain on her passing, and stated that funeral information would be made publicly available.

Moment of Silence:

Pledge of Allegiance:

Approval of Agenda: Motion by CW Brownson to amend the agenda to table all legislation except for Resolution 43-21; seconded by CW Noble; all in favor; motion passed. Motion by CW Brownson to approve the minutes from August 2, 2021; seconded by CW Hines; all in favor; motion passed.

Public Period: Mrs. Lynn Smith-Barnes shared that Mayor Muhammad used to work at the mapping department in NOAA in Silver Spring, and that is where they met. She shared her stories and her condolences.

Mr. Johnathon Kennedy II expressed sorrow for everyone's loss and asked everyone to reach out and comfort each other. He touched on the impact the Mayor had on everyone.

Legislation: Resolution 43-21: A Resolution to declare a vacancy in the Office of the Mayor and to call a special election to fill the vacancy; motion by CW Hines to waive the full reading; seconded by CW Noble; all in favor; motion passed. Motion to adopt Resolution 43-21 by CM Barnes; seconded by CW Brownson; discussion; CW Brownson asked for a synopsis for the resolution; Acting Mayor Washington read aloud the first paragraph, announcing that the Council President will be the interim mayor until the council calls for a special election no less than 45 days and no more than 60 days after the vacancy, with the winner to serve until the next election. Based on the schedule, the special election will be Wednesday, October 13, 2021. The Town Clerk answered questions about the absentee ballot, stating that they can bring it in up until 8pm on election day, postdated on that day. It must be in the office by that time. The Town Attorney noted that there were some changes to the last election due to COVID-19 and reminded the Council that the changes allowed under the declaration of emergency during March would not apply to the special election unless a mayoral proclamation is passed. Acting Mayor Washington noted his intent to reinstate the changes. The Town Attorney responded that a charter amendment resolution could be introduced. After discussion, it was decided to keep the regulations as is unless circumstances change; vote (6 yes; 0 no) motion passed.

New Business: CM Barnes stated that a resident in Ward I needed a trash can replacement and that there was a waiting list. The Town Administrator replied that they would inquire with the trash company about delivery of new trash cans.

Meeting Adjourned: 8:30 PM

**Town of Forest Heights
Treasurer's Report
September 4, 2021**

	Bank Acct Balance <u>9/3/21</u>	Quickbook Balance <u>8/31/21</u>	Quickbook Balance <u>8/31/20</u>
TD Bank General Fund	158,753.27	82,656.24	100,719.14
TD Bank Rainy Day Fund	163,132.40	163,132.40	160,132.40
TD Bank Speed Camera	3,278,279.62	3,212,629.54	2,579,820.22
TD Bank Municipal Money Market	<u>1,263,102.67</u>	<u>1,263,102.67</u>	<u>213,664.59</u>
	<u>4,863,267.96</u>	<u>4,721,520.85</u>	<u>3,054,336.35</u>

General Fund Highlights:

1. Transfer of funds from Speed Camera Account to General Fund - \$160,000.00
2. Real Estate Tax distribution - \$3,709.16
3. Income Tax distribution - \$21,338.42
4. GOCCP Grant distribution - \$2,000.00
5. Sale of Solar Energy - \$727.06

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

September 1, 2021

Town Appearance:

- Maintenance and upkeep of the Community Park next to Henry's
- Daily Trash pickup on both sides of the town
- Monthly inspection of the Tot Lot
- Patching of potholes
- Reporting of Street light outages
- Leaf Pick up
- Cleaning storm drains and curbs of leaves and grass
- Cutting/removal of fallen trees
- Maintaining the Pet Waste Stations
- Monitoring of the Big-Belly Trash Compactors

Town Infrastructure:

- Two (2) EV Chargers has been installed in the parking lot of the Municipal building. All four ports are operational.
- Pepco has completed the installation of the EV Fast Charger (booster) at the Gathering Space. Now waiting on the final inspection with DPIE to power up the units.
- I have also spoken with Mrs. Gonzales concerning Pepco supplying power to the new town sign that is to be placed on the lot next to Henry's. A step-down converter has been put in place that will supply power for the electric sign. I have also spoken to Kerley Signs about installing the sign.
- We have ended negotiations concerning the MOU with State Hwy., to grant Forest Heights permission to service MD-210 from I-495 to the DC line. We were unable to come to an agreement that would be satisfactory to both parties, SHA and TOFH.
- TOFH applied for the SHA permit 3PG-304-10, that would grant TOFH access to SHA ROW in order to be able to trim tree limbs and branches from the Speed Cameras and signage on MD-210.
- Both parties, Goode Trash & TOFH, working for a better solution to eliminate the excess trash in the streets. This is an ongoing effort. There's still a number of complaints coming in from the town's residents.
- Two team members from the Low Impact Development Center was on site to assess our Rain Garden and the failing Pervious Pavers. It seems as though the garden may have a need to be redesigned to accommodate the amount of water coming off of the areas in the rear of the building. Their recommendations are forth coming.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

- Ciminelli's Landscaping is scheduled to come out the week of September 20th for the sink hole repair and the week of October 2nd for the rain garden and swales, however we intend to wait for the recommendations from LID first.
- Contractors from Choice Concrete on site to assess BMPs for the storm water run-off on Iroquois Dr.
- Mr. Alex Novoa, subcontractor for Pepco will remove tree limb from power line across from Senaca Dr.
- DPW cut up and removed fallen tree on Talbert Dr.
- DPW cut/trimmed branches from dead tree on Sachem Dr.
- Pvm. Corp. will start removal and installation of Speed Humps on Sept. 20th on N. Huron Dr.
- DPW trimmed branches on tree at entrance of Flintstone Elem. @ Spokane and Quade

➤ Cree Drive

- Met with the Mayor Muhammad and Town Administrator to move forward with FES as the contractor for Cree Dr. and to start moving forward with a contract and resolution.
- FES has sent TOFH a contract for the work on Cree Dr.

➤ Rolph Drive

- Mr. Robinson and I spoke with Jenni Woolworth (A.D. Marble) about the concerns over the faulting and cracking of the pervious sidewalk. She has agreed that it should be looked into further. She will get back to us with some information.
- I have spoken with Ms. Woolworth, and she informed me that the contractor stated that there was only a one-year warranty on the Pervious Sidewalk.
- Mr. Drew Parks (Z-Con Concrete) came out (10-8-20), he submitted to the town a cost estimate (\$8,319.61) to clean and repair the sidewalk.
- I just recently spoke with Mr. Drew Parks about the Rolph Dr. failing Pervious sidewalk. He will come back out to reassess the damage and give us a new perspective.

Building Infrastructure:

- The Town Hall building is being cleaned and sanitized daily by DPW.
- Power has been restored to the DPW garage.
- Met with Max of Fox Creek to inspect damaged windows (9) for replacement in the upstairs hall.
- Destiny's Glass has agreed to install three (3) Trilogy Locks in the Municipal Bldg.

The Town of Forest Heights

Department of Public Works

Larry D. Vaughn, Director

Equipment Maintenance

- X Mark walk behind Mower repair
- Purchased new water pump and push start generator for the Community Garden
- Two STHIL saws in shop for tune up (no charge)
- Small Blower pull chord repair
- Tires and for Chevy Silverado

Other Areas:

- Answering Resident Communication
- Making/receiving phone calls, follow ups and meetings with contractors and vendors daily.
- Working with Neighborhood Design Center for a NFWF preliminary grant award for community forestry
- Submitted the National Pollutant Discharge System (NPDES) Stormwater Permit Report to Low Impact Development

CODE COMPLIANCE REPORT AUGUST 2021

Building Permits

Date	Address	Amount
8/19/2021	118 Iroquois Way	\$50.00
	Total	\$50.00

Business License

Date	Company	Address	Amount
8/17/2021	Seafood Deli Market	5519 Livingston Rd	\$300.00
8/24/2021	Soloco Tires LLC	5601 Livingston Rd	\$300.00
		Total	\$600.00

Rental Housing

Date	Address	Amount
8/2/2021	5827 Ottawa St	\$75.00
8/20/2021	113 Onondaga Drive	\$75.00
8/9/2021	5611 Sachem Drive	\$75.00
	Total	\$275.00

Dumpster Permit

Date	Address	Amount
8/26/2021	804 Quade Street	\$20.00
	Total	\$20.00

Uniform Civil Citations

Date	Address	Amount
8/5/2021	214 Seneca Dr	\$500.00
8/19/2021	806 Quade St	\$200.00
8/20/2021	113 Onondaga Dr	\$500.00
8/27/2021	5618 Woodland Dr	\$250.00
	Total	\$2,095.00

51 Notices of Violation

Town Council Work Session Report For 9.7.21

(Town Administrator)

Personnel Matters/Vacancy

The Town currently has the following job positions open and advertised as vacancies:

1. Crewman (Department of Public Works)
2. Custodian (Department of Public Works)
3. Healthy Heights Coordinator (Administration)
4. Part Time Accountant (Treasurer)

Please visit the Town website for more information or application information.

American Rescue Plan Act

The American Rescue Plan Act was enacted in March of 2021 to help address the health and economic effects of the COVID-19 pandemic. As a result, Prince George's County government will receive \$176.6 million in two distributions in 2021 and 2022.

I am happy to report that Forest Heights will receive \$2,526,205.34 of funding from the State as a Non-Entitlement Unit. Half of this amount or \$1,263,102.67 has already been deposited into a Town account. The Maryland Department of Housing & Community Development is responsible for disbursing these funds.

This funding may be used for the following:

1. To support public health expenditures.
2. To address negative economic impacts caused by the pandemic.
3. To invest in hardest-hit communities and families.
4. To replace lost public sector revenue.
5. To provide premium pay for essential workers.
6. To invest in water, sewer and broadband infrastructure.

The Town must now develop a plan to manage and spend these funds as next steps.

Please contact the Town Administrator for more information.

County Zoning Hearing Examiner Decision & Follow Up on National View Project

The Zoning Hearing Examiner for Prince George's County issued a decision recently recommending approval of the National View project proposal (Case A-10055) subject to certain conditions. The case will now be transmitted to the Prince George's County Council, District

Town Council Work Session Report For 9.7.21

(Town Administrator)

Council, which will decide to review the case or adopt the decision of the Zoning Hearing Examiner. The County Council has been on summer recess for the month of August. The National View project is scheduled to be heard by the District Council on September 13th.

If you have questions concerning the application or process, please contact the Town Administrator.

New Trashcans for Residents

A number of residents have recently expressed the need for a replacement trashcan due to normal wear and tear or other damage.

The Town has begun the process of distributing new trashcans in conjunction with our contractor Goode Companies on a first-come, first-served basis with substantial progress.

Any resident in need of a new trashcan should contact Ms. Via in the Administration Office of the Municipal building.

**RESOLUTIONS TO
BE VOTED ON
TONIGHT**

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 40-21 Fiscal Year 2022 Budget Amendment

INTRODUCED BY: Mayor Habeeb-Ullah Muhammad

A resolution to amend sums and amounts for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Section 1. The general purpose of the Resolution is to amend sums and amounts appropriated for the 2021 - 2022 Budget of the Town of Forest Heights, Maryland in the following areas of the General Fund.

Section 2. BE IT RESOLVED by the Mayor and Town Council of the Town of Forest Heights, Maryland that the sums and amounts appropriated are hereby amended for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, to defray expenses and operations costs for the Town of Forest Heights as follows:

NOW, BE IT RESOLVED, that Revenue line item 6200 ARP Coronavirus Funds be added in the amount of \$1,263,102.67 and that Expenditure line item 8200 ARP Coronavirus Funds be added in the amount of \$1,263,102.67 under the new appropriation category entitled ARP Coronavirus Funds.

REVENUES

GENERAL FUND REVENUES

Town Real Estate Taxes - Noncommercial	\$953,441.00	
Town Real Estate Taxes - Commercial	\$51,333.00	
Town Real Estate Taxes – Rented Residential	\$94,691.00	
Income Taxes	\$240,000.00	
Other Taxes	\$93,000.00	
Trash Fee	\$187,935.00	
INTERGOVERNMENT	\$489,650.00	\$1,752,752.67
LICENSES & PERMITS	\$15,300.00	
TOWN SERVICES	\$8,596.00	
SPEED CAMERA	\$2,200,000.00	
OTHER REVENUES	\$98,050.00	
OTHER FINANCING	\$311,190.19	
FUND BALANCE	\$2,377,268.00	
TOTAL BUDGETED REVENUES	\$7,120,454.19	\$8,383,556.86

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 40-21 Fiscal Year 2022 Budget Amendment

EXPENDITURES

GENERAL GOVERNMENT	\$72,452.00	
ADMINISTRATION	\$379,589.00	
NON-DEPARTMENTAL	\$273,700.00	
PUBLIC SAFETY	\$1,337,189.00	
PUBLIC WORKS	\$461,576.00	
SPEED CAMERA		
Direct Speed Camera Cost	\$1,391,447.00	
State Revenue	\$200,000.00	
Allowable Expenses	\$15,200.00	
STREET IMPROVEMENTS	\$556,190.19	
TRASH SERVICES EXPENSE	\$196,535.00	
CAPITAL IMPROVEMENTS	\$133,000.00	
MUNICIPAL BUILDING EXPENSE	\$1,065,000.00	
STREET LIGHTING EXPENSE	\$42,000.00	
TOTAL SPECIAL PROGRAM EXPENSE	\$47,200.00	
GRANTS – RESTRICTED FUNDING	\$29,000.00	
ARP CORONAVIRUS FUNDS	\$0.00	\$1,263,102.67
FUND BALANCE	\$920,376.00	
TOTAL BUDGETED EXPENDITURES	\$7,120,454.19	\$8,383,556.86

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 7th day of September 2021.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
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VACANT	_____
ATKINSON	_____
BARNES	_____
BROWNSON	_____

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 40-21 Fiscal Year 2022 Budget Amendment

HINES _____
NOBLE _____
WASHINGTON _____

I HEREBY CERTIFY that the above Resolution ___ - 21 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the 7th day of September 2021.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Acting Mayor/Council President

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 41-21 Fiscal Year 2021 Budget Amendment

INTRODUCED BY: Mayor Habeeb-Ullah Muhammad

A resolution to amend sums and amounts for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021.

Section 1. The general purpose of the Resolution is to amend sums and amounts appropriated for the 2020 - 2021 Budget of the Town of Forest Heights, Maryland in the following areas of the General Fund.

Section 2. BE IT RESOLVED by the Mayor and Town Council of the Town of Forest Heights, Maryland that the sums and amounts appropriated are hereby amended for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, to defray expenses and operations costs for the Town of Forest Heights as follows:

NOW, BE IT RESOLVED, that Revenue line item 6037 Speed Camera be increased in the amount of \$100,000. and that Expenditure line item 7300 Speed Camera Administration Fee be increased in the amount of \$100,000.

REVENUES

GENERAL FUND REVENUES

Town Real Estate Taxes - Noncommercial	\$796,800.00	
Town Real Estate Taxes - Commercial	\$43,300.00	
Town Real Estate Taxes – Rented Residential	\$93,300.00	
Income Taxes	\$180,700.00	
Other Taxes	\$80,000.00	
Trash Fee	\$187,935.00	
INTERGOVERNMENT	\$817,694.00	
LICENSES & PERMITS	\$14,800.00	
TOWN SERVICES	\$8,596.00	
SPEED CAMERA	\$1,692,460.00	\$1,792,460.00
OTHER REVENUES	\$115,650.00	
OTHER FINANCING	\$853,613.25	
FUND BALANCE	\$2,377,268.00	
TOTAL BUDGETED REVENUES	\$7,262,116.25	\$7,362,116.25

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 41-21 Fiscal Year 2021 Budget Amendment

EXPENDITURES

GENERAL GOVERNMENT	\$68,845.00	
ADMINISTRATION	\$332,035.00	
NON-DEPARTMENTAL	\$250,300.00	
PUBLIC SAFETY	1,123,105.00	
PUBLIC WORKS	\$374,834.00	
SPEED CAMERA		
Direct Speed Camera Cost	\$1,318,535.00	\$1,418,535.00
State Revenue	\$175,000.00	
Allowable Expenses	\$15,200.00	
STREET IMPROVEMENTS	\$595,182.00	
TRASH SERVICES EXPENSE	\$195,310.00	
CAPITAL IMPROVEMENTS	\$447,500.00	
MUNICIPAL BUILDING EXPENSE	\$427,600.00	
STREET LIGHTING EXPENSE	\$42,000.00	
TOTAL SPECIAL PROGRAM EXPENSE	\$32,250.00	
GRANTS – RESTRICTED FUNDING	\$541,883.50	
FUND BALANCE	\$1,322,536.75	
 TOTAL BUDGETED EXPENDITURES	 \$7,262,116.25	 \$7,362,116.25

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this 7th day of September 2021.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
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VACANT	_____
BARNES	_____
HINES	_____
BROWNSON	_____
ATKINSON	_____
NOBLE	_____
WASHINGTON	_____

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 41-21 Fiscal Year 2021 Budget Amendment

I HEREBY CERTIFY that the above Resolution ___ - 21 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the 7th day of September 2021.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Acting Mayor/Council President

THE TOWN OF FOREST HEIGHTS
RESOLUTION 42-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS (THE "TOWN") AUTHORIZING NEGOTIATIONS AND THE ISSUANCE OF NON-BINDING NOTICES OF INTENT TO PURCHASE LAND SUBJECT TO AN APPROVING ORDINANCE OR RESOLUTION TO INITIATE A CONDEMNATION CIVIL ACTIONS OR TAKINGS WITH JUST COMPENSATION TO ACQUIRE CERTAIN REAL PROPERTIES LOCATED AT 52 TALBERT DRIVE, 5711 SACHEM DRIVE AND 5813 OTTAWA STREET FOR A PUBLIC PURPOSE AND TO FURTHER AUTHORIZE AN APPRAISAL TO DETERMINE FAIR MARKET VALUE

Introduced By: Mayor Habeeb-Ullah Muhammad

WHEREAS, the Town Charter, § 33-80 authorizes the Town of Forest Heights to acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, the following information and findings apply to **52 Talbert Drive**:

1. The Town wishes to acquire and use certain real property located at 52 Talbert Drive owned by a private party to facilitate a community center or other municipal recreational use or purpose for Town residents and other authorized invitees; and
2. Said vacant property being 12,393 square feet in area had been used for commercial purposes since 1960 includes a dilapidated building and consists of Lots 38 and 39 and is further described for tax identification purposes as District – 12, Account Number – 1195254; and
3. Lot 38 or the western portion of the subject property is substantially encumbered by a portion of a 50' wide storm drain easement that crosses Talbert Drive and drains to the northwest; and
4. Said lots were sold in an arm's length transaction to the present owners on September 8, 2004, for \$165,000 and are currently listed on SDAT Real Property Data Search with an assessed value of \$315,600 as of July 1, 2021; however, the property is in a blighted condition; and
5. Although municipal corporations are typically exempt from traditional zoning laws, and must instead abide by mandatory referral, a process whereby the Park and Planning Commission reviews public improvements, the subject property is zoned C-O (Commercial Office) and is surrounded by C-M (Commercial Miscellaneous) properties to the South and East, R-35 (1 Family Semidetached, & 2 Family Detached, Residential) to the West and R-T (Townhouse) to the North across Talbert Drive; and
6. The Town would like to consider acquiring the described property along or abutting

THE TOWN OF FOREST HEIGHTS
RESOLUTION 42-21

Talbert Drive located within Tax Map Grid 095F2 for a public and municipal purpose as stated herein; and

WHEREAS, the following information and findings apply to **5711 Sachem Drive**:

1. The Town wishes to acquire and use certain real property located at 5711 Sechem Drive owned by a private company to facilitate a community open space or other municipal recreational use or purpose for Town residents and other authorized invitees; and
2. Said vacant property being 21,445 square feet in area had been used for residential purposes since 1950 includes a dilapidated building and consists of Lots 39 and 40 and is further described for tax identification purposes as District – 12, Account Number – 1205624; and
3. Said lots were sold in an arm's length transaction to the present owner on October 13, 2006, for \$82,500 and are currently listed on SDAT Real Property Data Search with an assessed value of \$364,200 as of July 1, 2021; however, the property is in a blighted condition; and
4. Although municipal corporations are typically exempt from traditional zoning laws, and must instead abide by mandatory referral, a process whereby the Park and Planning Commission reviews public improvements, the subject property is zoned R-55 (Residential and is surrounded by R-55 (Residential) properties to the North, South and West, and Indian Head Highway (MD 210) to the East; and
5. The Town would like to consider acquiring the described property along or abutting Sachem Drive located within Tax Map Grid 096A3 for a public and municipal purpose as stated herein; and

WHEREAS, the following information and findings apply to **5813 Ottawa Street**:

1. The Town wishes to acquire and use certain real property located at 5813 Ottawa Drive owned by a private individual to facilitate a community open space or other municipal recreational use or purpose for Town residents and other authorized invitees; and
2. Said vacant property being 7,560 square feet in area had been used for residential purposes since 1953 includes a dilapidated building and consists of Lot 11 and is further described for tax identification purposes as District – 12, Account Number – 1274828; and
3. Said lots were sold in an arm's length transaction to the present owner on March 3, 2006, for \$240,000 and are currently listed on SDAT Real Property Data Search with an assessed value of \$200,100 as of July 1, 2021; however, the property is in a blighted condition; and

THE TOWN OF FOREST HEIGHTS
RESOLUTION 42-21

4. Although municipal corporations are typically exempt from traditional zoning laws, and must instead abide by mandatory referral, a process whereby the Park and Planning Commission reviews public improvements, the subject property is zoned R-55 (Residential and is surrounded by R-55 (Residential) properties to the North, and West, and R-35 (Residential) to the East and South; and
5. The Town would like to consider acquiring the described property along or abutting Sachem Drive located within Tax Map Grid 096A3 for a public and municipal purpose as stated herein; and

WHEREAS, the Mayor and Council finds that typically in most condemnation cases, the only issue for the fact-finder (i.e., judge or jury) at trial, if applicable, to determine is the amount of money owed to the property owner for the property taken, and this depends on the value of the property taken and the damages to any remaining property; therefore, the condemning authority (i.e., the municipality) and the property owner will usually hire an appraiser to value the property and opine as to the amount the property owner should be paid, and said body further finds that it is important that this expert be consulted with and retained early, for the proper framing of a real property negotiated sale or pursuit of an eminent domain case.

NOW THEREFORE BE IT RESOLVED, and enacted that the Mayor and Town Council hereby approves and authorizes the Mayor or her designee to make a prompt and timely request by letter to the owners of the subject properties (Attention: 1.) Henry & Maria Balagtas, 2.) Tokyo International Holding Co., and 3.) Tang Q. Wang) to acquire said properties by sale or condemnation with just compensation as described herein above; and

BE IT FURTHER RESOLVED, that the Mayor and Town staff shall be authorized to coordinate and provide any necessary letters of intent and other information in order to carry out the purposes of this Resolution to culminate in a contract of sale and/or deed to be approved by the Town Council by ordinance prior to closing; and

BE IT FURTHER RESOLVED, that the Mayor and Town staff are hereby further authorized to give the property owners written notice that the Town intends to acquire said property, and after obtaining an appraisal, to make an initial offer in an amount determined by the Council to be just compensation for the property being purchased or taken and, as applicable, to negotiate a fair price for the property; and

BE IT FURTHER RESOLVED, that in order to initiate this process, the Mayor and staff are hereby authorized to obtain one or more proposals for the approval of the Mayor and Council from a licensed real estate appraiser to perform an appraisal to determine the fair market value of the subject properties including consideration of any potential environmental contamination in the subject appraisal process for those commercial properties affected; and

BE IT FURTHER RESOLVED, that if negotiations for the acquisition of the subject property are unsuccessful, the Town of Forest Heights, as a condemning authority, after passing

THE TOWN OF FOREST HEIGHTS
RESOLUTION 42-21

an authorizing resolution or ordinance to do so, may then file a complaint in the Circuit Court of Prince George's County pursuant to Title 12 of the Real Property Article of Md. Ann. Code to acquire said property through eminent domain or otherwise settle the case before judgment is entered; and

BE IT FUTHER RESOLVED, that the Mayor is authorized to sign this Resolution and it shall take effect on the day it is adopted.

PASSED this ____ day of September 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
VACANT	_____
BROWNSON	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Acting Mayor/Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of September 2021 with _____ Aye votes and ____ Nay votes the aforesaid Resolution 42-21 passed.

Sherletta Hawkins, Town Clerk

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS
ORDINANCE NO. 03-21**

**AN ORDINANCE TO INCREASE THE SALARIES OF THE TOWN'S ELECTED
OFFICIALS BY AMENDING SECTION 2.2 OF THE TOWN ORDINANCE CODE**

Introduced by: Mayor Habeeb-Ullah Muhammad

WHEREAS, pursuant to Section 33-5 (Salary of the Council) and Section 33-17 (Salary of the Mayor) of the Town Charter, each Councilman and the Mayor shall receive an annual salary as specified from time to time by an ordinance passed by the Council in the regular course of its business provided; however, that the salary specified at the time any Councilman or the Mayor takes office shall not be changed during the term for which that Councilman or Mayor was elected, and the ordinance making any change in the salary paid to the several Councilmen or the Mayor, either by way of increase or decrease, shall take effect only as the terms of the members of the Council or Mayor which enacted it expire; and

WHEREAS, Mayor and Council further finds that the last time a salary adjustment was approved for the Mayor and Council took place with the enactment of Ordinance No. 01-17 whereby the Mayor's annual compensation was decreased from \$12,000 to \$10,000, but the councilmembers' annual salary was increased from \$2,500 to \$2,800; and

WHEREAS, the legislative governance responsibilities and budget oversight of the Town have substantially increased over the past several years and to compensate for the increase in the time and responsibilities placed on the Town's elected officials, the Mayor and Council finds the increase to be fair and reasonable; and

WHEREAS, the Mayor and Council further finds that an increase in salary will provide an incentive for more citizens to be interested in these elected positions, and thereby result in more highly qualified persons competing for these offices.

Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED by The Mayor and Council of The Town of Forest Heights that Section 2.2: Compensation of the Mayor and Councilpersons of the Town of Forest Heights Ordinance Code shall be amended and hereinafter read as follows:

CAPITALS IN BOLD : Indicate matter added to existing law
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

Article 2. Administration

Part I. Personnel

Section 2.2: Compensation of the Mayor and Councilpersons

The mayor shall receive a salary of [~~\$10,000~~] **\$12,000** per year, payable monthly or unless otherwise prescribed by resolution of the Mayor and Town Council. Each Council person shall receive a salary of [~~\$2,800~~] **\$6,000** per year, payable monthly or unless otherwise prescribed by resolution of the Mayor and Town Council.

Section 2. AND BE IT FURTHER ORDAINED AND ENACTED, that if any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Section 3. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council, having been passed by the required yeas and nays of the Mayor and Council of the Town of Forest Heights; however, the salary changes authorized herein shall take effect only as the terms of the members of the Council or Mayor which enacted it expire.

Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk shall cause to be published a summary of this Ordinance at least twice in the town newsletter or a newspaper having general circulation within the Town of Forest Heights.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an ordinance and passed by a yeas and nays vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) of the members of the legislative body including the Mayor as indicated below at a regular Public Meeting of The Mayor and Council of the Town of Forest Heights held on the ____ day of _____, 2021 at ____ o'clock p.m., in the Municipal Building in Forest Heights, Maryland.

ROLL CALL VOTE

YEAS/NAYS/ABSTAIN/ABSENT

CAPITALS IN BOLD : Indicate matter added to existing law
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

VACANT	_____
BARNES	_____
HINES	_____
BROWNSON	_____
ATKINSON	_____
NOBLE	_____
WASHINGTON	_____

I HEREBY CERTIFY that the above Ordinance No. __-21 was passed by the required
yea and nay vote of the Mayor and Council of Forest Heights on the ____ day of _____, 2021.

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS

Sherletta Hawkins Town Clerk

By: _____
Acting Mayor Calvin Washington

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __-21
has been published at least twice in the town newsletter or a newspaper having general circulation
in the Town of Forest Heights.

Date: _____, 2021

Sherletta Hawkins, Town Clerk

Reading #1 date: _____

Reading #2 date: _____

CAPITALS IN BOLD : Indicate matter added to existing law
[Brackets] : Indicate matter deleted from existing law
Asterisks * * * : Indicate that text is retained from existing law but omitted herein.

**RESOLUTIONS TO
BE DISCUSSED
ONLY**

RESOLUTION 44-21
THE TOWN OF FOREST HEIGHTS

**A RESOLUTION TO APPROVE A PROPOSAL BY A CONSULTANT TO MANAGE
THE TOWN'S ALLOCATIONS OF AMERICAN RESCUE PLAN FUNDS**

Introduced By: Acting Mayor Washington

WHEREAS, under the funding administered by the State of Maryland pursuant to the American Rescue Plan's Coronavirus State and Local Fiscal Recovery Funds program, every level of government will receive funding, regardless of size; and

WHEREAS, funds can be utilized by state, county, and municipal governments to respond to and prepare for COVID-19 activities, as well as the replacement of revenues lost as a result of COVID-19 including payroll and covered benefits expenses for public health, healthcare, human services, public safety and similar employees and under the Coronavirus Capital Projects Fund carry out capital projects enabling work, education, and health monitoring, including telehealth options, in response to COVID-19; and

WHEREAS, on or about July 15, 2021, the Town received confirmation by email from Hagerty Consulting, an agent of the State of Maryland's Department of Budget and Management, of its request made in compliance with the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (CLFRF) disbursement; and

WHEREAS, said email further stated that the Town's final allocation is \$2,526,205.34, of which 50%, or \$1,263,102.67, is disbursed to Forest Heights in this first tranche, and pursuant to the U.S. Treasury, the remainder of the funds will be distributed in no less than 12 months by the Md. Department of Housing and Community Development, who is responsible for disbursing the funds; and

WHEREAS, unlike eight (8) other cities in Md., the Town of Forest Heights is a non-entitlement municipality under CDBG and funding is to be distributed based on a population with estimates for Prince George's County non-entitlement units or municipalities to be approximately \$160,941,034 with Forest Heights' share originally estimated at \$2,142,984 according to the Congressional Research Service, but the amount awarded may not exceed an amount equal to 75 percent of the most recent budget as of January 27, 2020; and

WHEREAS, State, territorial, metropolitan city, county, Tribal governments, and non-entitlement units ("NEU's"), such as the Town, that receive funding from the State and Local Fiscal Recovery Funds Programs are required to meet compliance and reporting responsibilities; and

WHEREAS, the Town will be required to enter into an award agreement for upload with the NEU's first report to Treasury due October 31, 2021 and will need to register in SAM.gov as soon as possible after receiving the award; and

RESOLUTION 44-21
THE TOWN OF FOREST HEIGHTS

WHEREAS, NEU's are further required to submit an annual Project and Expenditure Report with key information provided on Projects, Expenditures, Project Status, Project Demographic Description, Subawards, Civil Rights Compliance, and Programmatic Information, and further provide added documentation and information such as a signed award terms and conditions agreement, signed assurances of compliance with Title VI, and provision of various budget documentation; and

WHEREAS, the Town Charter, §33-19(25) authorizes the Council to have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State to pass ordinances for the specific purposes of accepting gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, on June 23, 2021, the Council passed Emergency Ordinance 02-21 approving the FY 22 Budget and finds that said ordinance will necessitate amendment to appropriate the Town's allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 ("ARPA"), also called the COVID-19 Stimulus Package or American Rescue Plan, Pub L. No. 117-2; and

WHEREAS, on or about July 21, 2021, the Town Council passed a Resolution 31-21 to approve a consulting services agreement with Greenwill Consulting Group, LLC as the Town lobbyist for a term of one year and a fee of \$25,000; and

WHEREAS, the Greenwill Consulting Group has tendered a 4-page proposal dated August 2021 entitled "American Rescue Plan Act Proposal" (the "Proposal"), which is attached hereto and incorporated by reference herein as Exhibit A; and

WHEREAS, said Proposal is to assist the Town in developing a Covid-19 recovery plan and includes a scope of work to provide the Town with all of the professional services necessary for the Town and its departments to be eligible for and comply with all of the requirement of the ARPA at a cost to the Town of \$120,000 and a contract timeline of two years; and

WHEREAS, Section 33-63(e) of the Town Charter states that all contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying, shall not be on a bid basis, but shall be negotiated by the Council.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the above-referenced Proposal incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED that the Acting Mayor is authorized to pursue said funding and to further negotiate on behalf of the Council a supplementary or separate contract with Greenwill Consulting Group, LLC to provide said professional services relating to the American Rescue Plan Act funding; and

RESOLUTION 44-21
THE TOWN OF FOREST HEIGHTS

BE IT FURTHER RESOLVED that the Acting Mayor is authorized to sign this Resolution on behalf of the Council and any related documentation including an award agreement for said funding providing such agreement is approved by the Council by a simple motion entered the journal at a future public meeting; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon passage.

PASSED this ____ day of September 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
VACANT	_____
BROWNSON	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Acting Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ____ day of September 2021 with ____ Aye votes and ____ Nay votes the aforesaid Resolution ____-21 passed.

Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 45-21**

WHEREAS, the Mayor and Council find that FES Group, LLC's services are unique and the best bid in terms of the quality of goods and work, successful past performance on Town projects in March of 2021, time of delivery or completion, and responsibility of bidders being considered, and the fact that this bid was put out on two (2) occasions and FES was the only respondent both times, and FES will adequately address the particular needs of the Town in supplying this public works project in an incremental yet cost effective manner.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby accepts the aforementioned Proposal (Phase I) and approves and authorizes a Contract (FES Project No. FES21-015) in the amount of \$1,711,700.00 with certain terms and conditions enumerated therein, for the design, construction and stabilization of a slope failure and pipe installation Cree prepared by FES Group, LLC, a Maryland company that is in good standing with the State, which both documents are attached hereto and incorporated by reference herein as Exhibit 1 and Exhibit 2.

AND, BE IT FURTHER RESOLVED that the Town Council hereby authorizes the finalized written contract with FES Group, LLC to be paid pursuant to FY22 Budget Line Item _____ with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

AND, BE IT FURTHER RESOLVED that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

AND BE IT FURTHER RESOLVED that the Acting Mayor, on behalf of the Town is hereby authorized to enter into the Contract and execute any Contract Documents as enumerated in Article 9 of the referenced Contract, attached as Exhibit 2, and any other necessary documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

AND BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its passage.

PASSED this ____ day of September 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

VACANT

BROWNSON

ATKINSON

BARNES

**THE TOWN OF FOREST HEIGHTS
RESOLUTION 45-21**

HINES _____

WASHINGTON _____

NOBLE _____

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Acting Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the __ of September 2021 with __ Aye votes and __ Nay vote (i.e., a 2/3rds majority of quorum) the aforesaid Resolution __-21 passed.

Sherletta Hawkins, Town Clerk

[Exhibits 1 & 2 FES Proposal and Contract]